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CLERK US DISTRICT COURT
DISTRICT OF ARIZONA

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8 UNITED STATES DISTRICT COURT

9 DISTRICT OF ARIZONA

VICTIM CASE

10 UNITED STATES OF AMERICA,
 11
 12 Plaintiff,

13 v.

14 (2) JESUS ROSARIO FAVELA-ASTORGA,
 aka "Jesus Rosario
 15 Fabela Astorga,"
 (Counts 1-9, Forfeiture Allegation)

16 (3) IVAN SOTO-BARRAZA,
 17 (Counts 1-9, Forfeiture Allegation)

18 (4) HERACLIO OSORIO-ARELLANES,
 aka "Laco,"
 19 (Counts 1-9, Forfeiture Allegation)

20 (5) LIONEL PORTILLO-MEZA,
 aka "Lionel Meza-Portillo"
 21 aka "Leonel Portillo-Meza"
 22 aka "Leonel Meza-Portillo"
 aka "Jesus Leonel Sanchez-Meza"
 23 (Counts 1-9, Forfeiture Allegation)

24 (7) ROSARIO RAFAEL BURBOA-
 25 ALVAREZ,
 aka "El Pariente"
 26 aka "Chayito"
 27 (Counts 1-4, Forfeiture Allegation)

28 Defendants.

Case No. CR-11-0150-TUC-DCB-BPV

FIFTH
SUPERSEDING INDICTMENT

Violations:

18 U.S.C. § 1111 and § 1114 (First Degree Murder); Count 1

18 U.S.C. § 1111 and § 1114 (Second Degree Murder); Count 2

18 U.S.C. § 1951 (Conspiracy to Interfere with Commerce by Robbery); Count 3

18 U.S.C. § 1951 (Attempted Interference with Commerce by Robbery); Count 4

18 U.S.C. § 111 (Assault on a Federal Officer);
Counts 5,6,7 & 8

18 U.S.C. § 924(c) (Use and Carrying a Firearm During a Crime of Violence); Count 9

18 U.S.C. § 924(d)
28 U.S.C. § 2461(c)
Forfeiture Allegation

1 Arellanes,” aka “Paye,” (charged elsewhere), JESUS ROSARIO FAVELA-ASTORGA, aka
2 “Jesus Rosario Fabela Astorga,” IVAN SOTO-BARRAZA, HERACLIO OSORIO-
3 ARELLANES, aka “Laco,” LIONEL PORTILLO-MEZA, aka “Lionel Meza-Portillo,” aka
4 “Leonel Portillo-Meza,” aka “Leonel Meza-Portillo,” aka “Jesus Leonel Sanchez-Meza,” “Jesus
5 Leonel Sanchez-Meza,” Rito Osorio-Arellanes, (charged elsewhere), and ROSARIO RAFAEL
6 BURBOA-ALVAREZ, aka “El Pariente,” aka “Chayito,” did knowingly and intentionally
7 conspire with each other and with other persons known and unknown to the grand jury to
8 obstruct, delay, and affect commerce and the movement of articles and commodities in
9 commerce, as defined in Title 18, United States Code, Section 1951, by robbery, in that the
10 defendants unlawfully conspired to interfere with the movement of drugs through the unlawful
11 taking and obtaining of property from a person and in the presence of another, against his will, by
12 means of actual and threatened force, violence and fear of injury, immediate and future, to his
13 person and property and to anyone in his company at the time of the taking and obtaining; in
14 violation of Title 18, United States Code, Section 1951.

15 **MANNER AND MEANS**

16 1. Defendant ROSARIO RAFAEL BURBOA-ALVAREZ, aka “El Pariente,” aka
17 “Chayito,” recruited defendants Manuel Osorio Arellanes, aka “Manuel Arellanes,” aka “Paye,”
18 (charged elsewhere), JESUS ROSARIO FAVELA-ASTORGA, aka “Jesus Rosario Fabela
19 Astorga,” IVAN SOTO-BARRAZA, HERACLIO OSORIO-ARELLANES, aka “Laco,”
20 LIONEL PORTILLO-MEZA, aka “Lionel Meza-Portillo,” aka “Leonel Portillo-Meza,” aka
21 “Leonel Meza-Portillo,” aka “Jesus Leonel Sanchez-Meza,” and Rito Osorio-Arellanes (charged
22 elsewhere) to travel from Mexico to the United States for the purpose of robbing marijuana from
23 others.

24 2. Defendants Manuel Osorio Arellanes, aka “Manuel Arellanes,” aka “Paye,”
25 (charged elsewhere), JESUS ROSARIO FAVELA-ASTORGA, aka “Jesus Rosario Fabela
26 Astorga,” IVAN SOTO-BARRAZA, HERACLIO OSORIO-ARELLANES, aka “Laco,”
27 LIONEL PORTILLO-MEZA, aka “Lionel Meza-Portillo,” aka “Leonel Portillo-Meza,” aka
28 “Leonel Meza-Portillo,” aka “Jesus Leonel Sanchez-Meza,” and Rito Osorio-Arellanes (charged

1 elsewhere), traveled from the Republic of Mexico to the United States for the purpose of robbing
2 marijuana from others.

3 3. Upon unlawfully entering the United States from the Republic of Mexico,
4 defendants Manuel Osorio Arellanes, aka "Manuel Arellanes," aka "Paye," (charged elsewhere),
5 JESUS ROSARIO FAVELA-ASTORGA, aka "Jesus Rosario Fabela Astorga," IVAN SOTO-
6 BARRAZA, HERACLIO OSORIO-ARELLANES, aka "Laco," LIONEL PORTILLO-MEZA,
7 aka "Lionel Meza-Portillo," aka "Leonel Portillo-Meza," aka "Leonel Meza-Portillo," aka "Jesus
8 Leonel Sanchez-Meza," and Rito Osorio-Arellanes (charged elsewhere) planned to arm
9 themselves with firearms.

10 4. Defendants Manuel Osorio Arellanes, aka "Manuel Arellanes," aka "Paye,"
11 (charged elsewhere), JESUS ROSARIO FAVELA-ASTORGA, aka "Jesus Rosario Fabela
12 Astorga," IVAN SOTO-BARRAZA, HERACLIO OSORIO-ARELLANES, aka "Laco,"
13 LIONEL PORTILLO-MEZA, aka "Lionel Meza-Portillo," aka "Leonel Portillo-Meza," aka
14 "Leonel Meza-Portillo," aka "Jesus Leonel Sanchez-Meza," and Rito Osorio-Arellanes (charged
15 elsewhere) intended to use the firearms to obtain marijuana from others by committing or
16 threatening to commit physical violence against the individuals being robbed.

17 All in violation of Title 18, United States Code, Section 1951.

18 **COUNT 4**

19 On or about December 14, 2010, within the District of Arizona, defendants Manuel
20 Osorio-Arellanes, aka "Manuel Arellanes," aka "Paye," (charged elsewhere), JESUS ROSARIO
21 FAVELA-ASTORGA, aka "Jesus Rosario Fabela Astorga," IVAN SOTO-BARRAZA,
22 HERACLIO OSORIO-ARELLANES, aka "Laco," LIONEL PORTILLO-MEZA, aka "Lionel
23 Meza-Portillo," aka "Leonel Portillo-Meza," aka "Leonel Meza-Portillo," aka "Jesus Leonel
24 Sanchez-Meza," Rito Osorio-Arellanes, (charged elsewhere), and ROSARIO RAFAEL
25 BURBOA-ALVAREZ, aka "El Pariente," aka "Chayito," attempted to obstruct, delay, and affect
26 commerce and the movement of articles and commodities in commerce, as defined in Title 18,
27 United States Code, Section 1951, by robbery, in that the defendants unlawfully attempted to
28 interfere with the movement of drugs through the unlawful taking and obtaining of property from

1 a person and in the presence of another, against his will, by means of actual and threatened force,
2 violence and fear of injury, immediate and future, to his person and property and to anyone in his
3 company at the time of the taking and obtaining; in violation of Title 18, United States Code,
4 Section 1951, Title 18, United States Code, Section 2 and and Pinkerton v. United States, 328
5 U.S. 640 (1946).

6 **COUNT 5**

7 On or about December 14, 2010, within the District of Arizona, defendants Manuel
8 Osorio-Arellanes, aka "Manuel Arellanes," aka "Paye," (charged elsewhere), JESUS ROSARIO
9 FAVELA-ASTORGA, aka "Jesus Rosario Fabela Astorga," IVAN SOTO-BARRAZA,
10 HERACLIO OSORIO-ARELLANES, aka "Laco," and LIONEL PORTILLO-MEZA, aka
11 "Lionel Meza-Portillo," aka "Leonel Portillo-Meza," aka "Leonel Meza-Portillo," aka "Jesus
12 Leonel Sanchez-Meza," did intentionally and forcibly assault, resist, oppose, impede, intimidate
13 and interfere with United States Border Patrol Agent Brian Terry, an officer of the United States,
14 with a deadly and dangerous weapon, to wit, a firearm, while said officer was engaged in and on
15 account of the performance of his official duties; in violation of Title 18, United States Code,
16 Sections 111(a) and 111(b) and Pinkerton v. United States, 328 U.S. 640 (1946).

17 **COUNT 6**

18 On or about December 14, 2010, within the District of Arizona, defendants Manuel
19 Osorio-Arellanes, aka "Manuel Arellanes," aka "Paye," (charged elsewhere), JESUS ROSARIO
20 FAVELA-ASTORGA, aka "Jesus Rosario Fabela Astorga," IVAN SOTO-BARRAZA,
21 HERACLIO OSORIO-ARELLANES, aka "Laco," and LIONEL PORTILLO-MEZA, aka
22 "Lionel Meza-Portillo," aka "Leonel Portillo-Meza," aka "Leonel Meza-Portillo," aka "Jesus
23 Leonel Sanchez-Meza," did intentionally and forcibly assault, resist, oppose, impede, intimidate
24 and interfere with United States Border Patrol Agent William Castano, an officer of the United
25 States, with a deadly and dangerous weapon, to wit: a firearm, while said officer was engaged in
26 and on account of the performance of his official duties; in violation of Title 18, United States
27 Code, Sections 111(a) and 111(b) and Pinkerton v. United States, 328 U.S. 640 (1946).

28 //

COUNT 7

1
2 On or about December 14, 2010, within the District of Arizona, defendants Manuel
3 Osorio-Arellanes, aka "Manuel Arellanes," aka "Paye," (charged elsewhere), JESUS ROSARIO
4 FAVELA-ASTORGA, aka "Jesus Rosario Fabela Astorga," IVAN SOTO-BARRAZA,
5 HERACLIO OSORIO-ARELLANES, aka "Laco," and LIONEL PORTILLO-MEZA, aka
6 "Lionel Meza-Portillo," aka "Leonel Portillo-Meza," aka "Leonel Meza-Portillo," aka "Jesus
7 Leonel Sanchez-Meza," did intentionally and forcibly assault, resist, oppose, impede, intimidate
8 and interfere with United States Border Patrol Agent Gabriel Fragoza, an officer of the United
9 States, with a deadly and dangerous weapon, to wit, a firearm, while said officer was engaged in
10 and on account of the performance of his official duties; in violation of Title 18, United States
11 Code, Sections 111(a) and 111(b) and Pinkerton v. United States, 328 U.S. 640 (1946).

COUNT 8

12
13 On or about December 14, 2010, within the District of Arizona, defendants Manuel
14 Osorio-Arellanes, aka "Manuel Arellanes," aka "Paye," (charged elsewhere), JESUS ROSARIO
15 FAVELA-ASTORGA, aka "Jesus Rosario Fabela Astorga," IVAN SOTO-BARRAZA,
16 HERACLIO OSORIO-ARELLANES, aka "Laco," and LIONEL PORTILLO-MEZA, aka
17 "Lionel Meza-Portillo," aka "Leonel Portillo-Meza," aka "Leonel Meza-Portillo," aka "Jesus
18 Leonel Sanchez-Meza," did intentionally and forcibly assault, resist, oppose, impede, intimidate
19 and interfere with United States Border Patrol Agent Timothy Keller, an officer of the United
20 States, with a deadly and dangerous weapon, to wit, a firearm, while said officer was engaged in
21 and on account of the performance of his official duties; in violation of Title 18, United States
22 Code, Sections 111(a) and 111(b) and Pinkerton v. United States, 328 U.S. 640 (1946).

COUNT 9

23
24 On or about December 14, 2010, within the District of Arizona, defendants Manuel
25 Osorio-Arellanes, aka "Manuel Arellanes," aka "Paye," (charged elsewhere), JESUS ROSARIO
26 FAVELA-ASTORGA, aka "Jesus Rosario Fabela Astorga," IVAN SOTO-BARRAZA,
27 HERACLIO OSORIO-ARELLANES, aka "Laco," and LIONEL PORTILLO-MEZA, aka
28 "Lionel Meza-Portillo," aka "Leonel Portillo-Meza," aka "Leonel Meza-Portillo," aka "Jesus

1 Leonel Sanchez-Meza,” did knowingly and intentionally use and carry a firearm during and in
2 relation to a crime of violence, to wit, the offenses alleged in Counts One through Eight of this
3 Fifth Superseding Indictment and incorporated herein by reference, and did possess, brandish and
4 discharge a firearm in furtherance of said crime of violence; in violation of Title 18, United
5 States Code, Sections 924(c)(1)(A)(i), 924(c)(1)(A)(ii) and 924(c)(1)(A)(iii) and Pinkerton v.
6 United States, 328 U.S. 640 (1946).

7 **FORFEITURE ALLEGATION**

8 Upon conviction of Counts One through Nine of this Fifth Superseding Indictment,
9 defendants Manuel Osorio-Arellanes, aka “Manuel Arellanes,” aka “Paye,” (charged elsewhere),
10 JESUS ROSARIO FAVELA-ASTORGA, aka “Jesus Rosario Fabela Astorga,” IVAN SOTO-
11 BARRAZA, HERACLIO OSORIO-ARELLANES, aka “Laco,” LIONEL PORTILLO-MEZA,
12 aka “Lionel Meza-Portillo,” aka “Leonel Portillo-Meza,” aka “Leonel Meza-Portillo,” aka “Jesus
13 Leonel Sanchez-Meza,” Rito Osorio-Arellanes, (charged elsewhere), and ROSARIO RAFAEL
14 BURBOA-ALVAREZ, aka “El Pariente,” aka “Chayito,” shall forfeit to the United States
15 pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code,
16 Section 2461(c), any firearms and ammunition involved in the commission of said offenses,
17 including, but not limited to:

- 18 1. Two (2) 7.62 x 39 mm Romanian assault rifles, model GP WASR 10/63, bearing serial
19 numbers, 1971CZ3775 and 1983AH3977, and seventy-five (75) 7.62 x 39 mm rounds of
20 ammunition;
- 21 2. One (1) box of PMC Bronze .45 B 50 cartridges;
- 22 3. Two (2) boxes of PMC bronze .223 B 20 cartridges per box;
- 23 4. One (1) box of Golden Tiger, 7.62 x 39mm B 10 cartridges; and
- 24 5. Four (4) boxes of Brown Bear, 7.62 x 39mm B 20 cartridges per box.

25 If any of the property described above, as a result of any act or omission of the defendants:

- 26 a. cannot be located upon the exercise of due diligence;
- 27 b. has been transferred or sold to, or deposited with, a third party;
- 28 c. has been placed beyond the jurisdiction of the court;

- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), as incorporated by Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property, including, but not limited to, all property, both real and personal, owned by the defendants.

All pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c).

A TRUE BILL:

/s/

Presiding Juror

LAURA E. DUFFY
United States Attorney

AUG 06 2014

/s/

By: _____
Todd W. Robinson
David D. Leshner
Fred A. Sheppard
Special Attorneys

**REDACTED FOR
PUBLIC DISCLOSURE**